



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0025-2023

PROPERTY ADDRESS: 20130 James Road, Noblesville, Indiana

A Variance of Development Standards application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Mark & Ashley Reiger requested that approval be granted to a Variance of Development Standards application pursuant to Unified Development Ordinance §Table 8.B for a reduction of the minimum floor area for a dwelling unit on a property within the R-1 zoning district (2,400 square feet required; 1,130 square feet requested).. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on May 1, 2023. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 5-0.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in granting the request for a Variance of Development Standards. Indiana Code §36-7-4-918.5 states that a Variance of Development Standards may be approved only upon a determination in writing that the following are true:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:
While the proposed construction of a 1,130 square foot single family house is smaller than the minimum 2,400 square feet required by the R-1 zoning district. It is not anticipated that the smaller house size will be injurious to the public health, safety, morals and general welfare of the community. The proposed house will be constructed approximately 500 feet from the road and may be partially visible to the general community from the public right of way.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:
It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property because the property owners intend to build a smaller house on the property for their aging parents. The proposed house is a 1-bedroom house with an attached garage. A 2,400 square foot house may be a burden to occupants with health and mobility issues that do not require a large home. Due to the development of the property with their house, the location of the existing septic leach field and a legal drain bisecting their property, the property owners have had to get two variances and subdivide their property into two lots in order to build a detached residence for their aging parents.

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on June 5, 2023.

Mike Field, Chairman

Caleb Gutshall, Secretary